% 04.10.2006

Present: Dr. J.C.Madan for the petitioner
Mr. A.K.Singh with Mr. Bandan Kumar
for respondent No.1

+ WP(C) No. 15357/2006
*

The petitioner had been working as a Hindi Stenographer with the L & DO department. The Land and Development Office vide circular dated 22.3.1994 had invited applications for the post of Hindi Translator, Group 'C' to be filled up by UDC, LDC and Stenographer in Grade-III with five years. The petitioner had applied for the same and he was selected. Petitioner was appointed on the recommendation of the Department Promotion Committee as Hindi Translator on deputation basis vide order dated 6.1.1995. Petitioner sought repeatedly amendment of the same to have it changed to appointment on promotion. This was not acceded to. Petitioner claims that he satisfactorily worked for nearly 10 years.

Petitioner in the year 2003 filed an OA No. 275/2003 when he apprehended reversion. He sought his continuance in the post as Hindi Translator and prayed for absorption also. The OA was dismissed on 7.11.2003. Petitioner thereafter filed another OA bearing No. 384/2005, where he sought the quashing of the reversion order dated 27.1.2005 passed by respondent No.2 reverting him to his original post as Hindi Stenographer and sought restoration of his appointment as

Signature Not Verified
Digitally Signed By:AMULYA
Signing Date:07.10.2023 10:49
Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

Hindi Translator. This OA was disposed of directing the respondents to dispose of representation of the petitioner dated 28.1.2005. The said representation was rejected vide order dated 21.10.2005. This led the petitioner finally to file OA No. 2809/2005.

The Tribunal vide order dated 4.8.2006, noting the foregoing facts held that the present OA would be barred by principles of res judicata as the petitioner had sought similar relief in OA No. 275/2003 and in fact had even concealed the factum of filing OA No. 273/2005. Petitioner's request for reference to a larger Bench was also not acceded to by the Tribunal. Petitioner did not disclose the filing of OA No. 273/2005 either in the present OA i.e. 2809/2005 or in the previous OA No. 384/2005. The Tribunal had rightly observed that the OA No. 2809/2005 would be barred by principles of res judicata and did not entertain the present OA. Besides petitioner who was on deputation did not have a right to the post.

Learned counsel for the petitioner, in these circumstances, submits that leaving the question of res judicata apart, petitioner has suffered immensely in as much as even after having served for 10 years as Hindi Translator, with one stroke of pen he has been reverted to the post of UDC.

In these circumstances, we do not find any legal infirmity in the order which calls for interference in the exercise of writ jurisdiction. However, reversion after a tenure of 10 years can be

painful and humiliating. Petitioner being aggrieved and hurt is understandable.

We may also notice that the respondents had permitted the petitioner to function for a period of nearly 10 years as a Hindi Translator on deputation holding the post which was higher than his original posting as UDC. Obviously respondents would have found his service to be satisfactory, otherwise they would have reverted him.

In these circumstances, the respondents may consider the petitioner, if eligible, for any other posting or opening on deputation or otherwise as available with them.

The writ petition is dismissed with aforesaid observations.

Manmohan Sarin, J.

Vipin Sanghi, J.

October 04, 2006
mw